

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

David Fail,)	
)	
Plaintiff,)	ORDER OF DISMISSAL
vs.)	
)	Case No. 1:08-cv-076
Miracle Financial, Inc., a MA corporation,)	
)	
Defendant.)	

Before the Court is a “Motion for Dismissal With Prejudice” filed on December 31, 2008. The Court **GRANTS** the motion (Docket No. 4) and **ORDERS** that the case be dismissed with prejudice and without costs to any party pursuant to Rule 41 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Dated this 5th day of January, 2009.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge
United States District Court